



## RESPONSES TO INFORMATION REQUESTS (RIRs)

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Belarus: Procedures that must be followed for a person to obtain Belarusian citizenship if this person was born in the Belarusian Soviet Socialist Republic but left the Soviet Union before 1991; procedures that this person must follow to obtain Belarusian citizenship for his or her child; whether consent of the second parent is required if the parents are divorced; applicant's status in Belarus while awaiting Belarusian citizenship; rights and restrictions associated with this status

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Article 15 of the Law of the Republic of Belarus on Citizenship of the Republic of Belarus stipulates the conditions that must be met in order to acquire Belarusian citizenship through registration (Belarus 1 Aug. 2002, Art. 15). Persons who were citizens of the Union of Soviet Socialist Republics (USSR) and were born, or permanently resided, within the territory of the Republic of Belarus before 12 November 1991, including their spouses who were citizens of the former USSR, and children, are eligible for Belarusian citizenship through registration (*ibid.*). According to Article 33 of the Citizenship Law, persons residing in Belarus must submit their citizenship applications to the local Office of the Interior, while those residing abroad must submit their applications to a corresponding Belarusian diplomatic mission (*ibid.*). Applications should be made in person and in writing, but applicants who cannot apply in person may apply through someone else on their behalf or by mail (*ibid.*, Art. 33). Article 34 stipulates that the processing time for a Belarusian citizenship application through registration "shall not exceed two months" (Belarus 1 Aug. 2002).

In 6 December 2006 correspondence sent to the Research Directorate, an immigration counsellor at the Embassy of Canada in Warsaw provided the following information (6 Dec. 2006a). Citing the Russian-language Web site of the Belarusian Ministry of the Interior, the Immigration Counsellor stated that the following documents are required in order to apply for Belarusian citizenship through registration:

- i) Four photographs measuring three centimeters by four centimeters;
- ii) A document confirming renunciation or loss of citizenship of another state (if applicable);
- iii) Copies of a passport (or another document issued in its place), particularly the pages featuring information such as surname, name, patronymic, date and place of birth;
- iv) Copies of documents confirming birth or permanent residence within the territory of the Republic of Belarus before 12 November 1991
- v) A copy of a birth certificate certified by a notary that is acceptable as a confirmation of birth within the territory of Belarus;
- vi) The following documents are acceptable as confirmation of permanent residence within the territory of Belarus:
  - a seal of permanent registration of address (*propiska*) entered in a USSR 1974-type passport;
  - an endorsement in a military identification document indicating conscription from within Belarus for immediate military service;
  - a certificate from the housing administration or village council confirming permanent residence in Belarus before 12 November 1991;
  - another indirect evidence in the absence of the documents listed above.

Article 25 of the Belarusian Citizenship Law specifies the conditions for a child's citizenship acquisition if only one of the child's parents obtains Belarusian citizenship (Belarus 1 Aug. 2002). If one parent obtains Belarusian citizenship but the other parent is a foreign citizen or stateless, the child may obtain Belarusian citizenship provided that the parents make a joint request, or, if the whereabouts of the other parent are unknown, that only the parent acquiring Belarusian citizenship makes a request (*ibid.*, Art. 25). A child who would otherwise be stateless because

his or her parent who is not obtaining Belarusian citizenship is also stateless automatically becomes a citizen of Belarus (ibid.).

In 6 December 2006 correspondence sent to the Research Directorate, an immigration officer at the Canadian Embassy in Warsaw, citing information gathered from the Citizenship Department of the Interior Affairs Office in Minsk, stated:

consent of the other parent is required in all cases where a child is to be granted Belorussian citizenship while one of the parents remains a citizen of another state. Custody does not in itself change the situation. The only circumstances under which a waiver of the consent of the other parent could be considered would be if the other parent was deprived of parental rights. A court decree to this effect would have to be provided. (6 Dec. 2006a)

Article 16 of the Citizenship Law outlines several conditions that would prevent a person from obtaining Belarusian citizenship (Belarus 1 Aug. 2002). For example, a person who "serves in the military, police, security, justice or other public agencies of a foreign country" would have their application for Belarusian citizenship rejected (ibid., Art. 16).

Citing the Belarusian Ministry of the Interior, the Immigration Counsellor at the Embassy of Canada in Warsaw indicated that the following documents are required for parents wishing to obtain Belarusian citizenship for their child:

- i) An application from the child's parents;
- ii) Three photographs measuring three centimeters by four centimeters;
- iii) Copies of previous passports, particularly the pages featuring such information as the surname, name, patronymic, date and place of birth;
- iv) A copy of the marriage certificate (of the parent) certified by a notary;
- v) A copy of the birth certificate of the child certified by a notary;
- vi) If the child is between 14 and 18 years of age, a declaration stating his or her consent to become a Belarusian citizen, certified by a notary. (6 Dec. 2006a)

Citing the Citizenship Department of the Interior Affairs Office in Minsk, the Immigration Officer from the Canadian Embassy in Warsaw provided the following additional requirements for citizenship applications, which are not included in the Belarusian Citizenship Law because they were passed through separate regulations. A person may return to Belarus before submitting an application for Belarusian citizenship through registration (6 Dec. 2006b). However, this person would first have to obtain a special certificate from a Belarusian mission abroad, allowing entry into Belarus (Canada 6 Dec. 2006b). This certificate would give the applicant special status in Belarus while the application is processed at the regional office corresponding to his or her place of residence in Belarus (ibid.). In order to apply for Belarusian citizenship through registration, applicants must submit evidence that they have a permanent residence in the country (ibid.). Such evidence includes proof of ownership of a house or an apartment, or a statement from a relative or other party stating that the applicant lives with them and has been registered at their address (on the *propiska*) (ibid.). Further information on the rights and restrictions associated with a citizenship applicant's status could not be found among the sources consulted by the Research Directorate.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection.

#### References

Belarus. 1 August 2002. Law of the Republic of Belarus of 1 August 2002 No. 136 - On Citizenship of the Republic of Belarus. (Office of the United Nations High Commissioner for Refugees Web site)  
<<http://www.unhcr.org/home/RSDLEGAL/41f79cdd4.pdf>> [Accessed 6 Dec. 2006]

Canada. 6 December 2006a. Embassy of Canada, Warsaw. Correspondence from an immigration counsellor.

\_\_\_\_\_. 6 December 2006b. Embassy of Canada, Warsaw. Correspondence from an immigration officer.

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